

EXHIBIT 8

Feigenbaum, Steven

From: Feigenbaum, Steven
Sent: Wednesday, May 15, 2019 12:58 PM
To: 'Gerard Filitti'
Cc: Adams, Haley
Subject: RE: BNYM

Gerard: I respond one by one to the points raised in each paragraph of your 4/17 email below, as well as to the request made in your 4/20 email.

1. As I already noted in my 4/19 email to you, BNYM will be making no supplemental production responsive to the Gill subpoenas because those subpoenas are subsumed, in their entirety, by the Hake subpoena.
2. No limiting criteria were used in the searches conducted of the Subject Entities, with the sole exception of Banks Melli, Markazi and Saderat. As to those banks, BNYM limited the transactions to ones in which those banks were either the originator, originator's bank, beneficiary or beneficiary's bank.
3. To the extent there are no data in any of the paired fields identified in your email, that is likely because either no data exist or no data were provided to BNYM by the remitter (the originating bank) in a given wire transfer. BNYM, which is typically an intermediary bank in a wire transfer chain, has no control over the information that it receives from the originating bank that precedes it in the wire transfer chain. In addition, many wire transfers do not involve enough parties in the chain to populate certain fields in a spreadsheet of transactions. If, then, a particular field for a given transaction is blank, then in most or all cases either the remitter did not provide the information for that field, or no information for the field exists.
4. The response in no. 3 applies to the point raised in your fourth paragraph as well.
5. As to fields 20 and 21, there are no columns in the spreadsheets that correspond to those fields. BNYM, to the best of its recollection, has never provided sender or customer reference numbers in response to a subpoena. That information is considered internal to BNYM, and no one has ever requested it. Nor do we see how that information would be of use to the Gill plaintiffs in their attempt to enforce their judgment, or to the Hake plaintiffs in their attempt to obtain a judgment.

As to the nine Subject Entities identified in your 4/20 email, BNYM will not provide unredacted versions of the spreadsheets it has already produced. Although BNYM previously produced unredacted versions of spreadsheets of most of the transactions responsive to the Hake subpoena, it did so reluctantly and contrary to its ordinary practice. The redacted information consists of confidential account numbers and addresses, and absent a compelling reason why plaintiffs need or could meaningfully use that information – and none has been conveyed to date – BNYM believes it would be inappropriate to disclose it even though a protective order is in place. That said, if you identify for us individual transactions whose redacted information is, you believe, legitimately relevant to the objectives of the Hake and Gill subpoenas – to obtain information to help satisfy the Gill judgment or to help obtain a judgment for the Hake plaintiffs – BNYM will address each such transaction one by one. Barring an independent reason not to do so, BNYM will then promptly unredact the pertinent information and provide it to you.

Steve

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From: Gerard Filitti [mailto:gfilitti@osenlaw.com]
Sent: Wednesday, April 17, 2019 11:42 AM
To: Feigenbaum, Steven
Subject: RE: BNYM

Steve,

Thank you for removing the redactions in the spreadsheet of records responsive to the Hake subpoena. As a preliminary matter, we have not yet received an unredacted supplemental production responsive to the Gill subpoenas.

As a general matter, in terms of the search conducted, it is not clear whether any limiting criteria were used apart from the names of the Subject Entities. If any limiting criteria were used, we request that BNY identify what they were. If any search results were omitted or excluded from production, we request that BNY identify how/why they were omitted or excluded. Finally, with respect to the Subject Entities, we request that BNY identify whether the search it performed includes relevant financial messages from each of SWIFT's nine message categories (e.g., 100-series messages, 200-series messages, etc.). If there are any message categories that are not searchable, please advise accordingly.

With respect to BNY's recent supplemental production, even without the redactions, we are concerned that we are not seeing data in some significant fields. For example, in paired fields (H,I), (L,M), (P,Q), and (T,U), all of which have apparently been unredacted, we expect to see the fields of one or the other pair populated with data in a significant percentage of the transaction records. Within this subset, taking (H,I) as a specific example, based upon our experience with this kind of production, we expect that field H, field I – or both – would be populated in the majority of transaction records. In BNY's production, they are not.

Likewise, we expect that in paired fields (AF,AG), (AJ,AK), (AN,AO), and especially (AR,AS), one or the other of the fields would be populated. However, this is not the case in BNY's production. The vast majority of these fields are left blank. Taking field AF as a specific example, our experience has been that this field is almost always populated when field AH is populated. However, this is not the case in BNY's production.

With respect to fields 20 and 21 (within Block 4 of a SWIFT message), we note that no column heading for any field produced by BNY appears to correspond to these SWIFT fields. Field 20 is a sender's reference field that must be included in every SWIFT message. Its absence from BNY's production is therefore puzzling.

We request that BNY produce the requested data for each transaction record by either populating a spreadsheet with Subject-Entity related data and metadata exported from BNY's relevant databases, or by producing complete copies of the underlying financial messages themselves.

Best,
Gerard

Gerard Filitti
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From: Feigenbaum, Steven <sfeigenbaum@katskykorins.com>
Sent: Monday, April 15, 2019 10:44 AM
To: Gerard Filitti <gfilitti@osenlaw.com>
Subject: RE: BNYM

Gerard: Although you didn't respond to my email of last Monday, I trust that you received BNYM's revised spreadsheets and have had a chance to see the changes that were made. In light of the parties' 4/19 deadline for updating the judge, can you let me know as soon as you can where things stand? We are unaware of any alleged deficiencies in BNYM's productions that have not been remedied, and we believe that BNYM has fully complied with the Gill and Hake subpoenas. Unless you have a contrary view, plaintiffs' motion to compel should accordingly be withdrawn as to BNYM, whether by stipulation or some other procedural means.

Steve

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From: Feigenbaum, Steven
Sent: Monday, April 08, 2019 6:13 PM
To: 'Gerard Filitti'
Subject: BNYM

Gerard: This is just to confirm that you received, and could access, the disc today from BNYM with the revised spreadsheets, along with my cover letter with answers to the questions you had raised about BNYM's production.

Steve